

MORGAN COUNTY

Employee Guidelines

EMPLOYMENT WITH MORGAN COUNTY IS AT WILL.
EMPLOYEES MAY RESIGN OR BE DISCHARGED, AT ANY TIME,
WITH OR WITHOUT NOTICE, AND WITH OR WITHOUT CAUSE.

NOTHING IN THIS HANDBOOK SHALL BE INTERPRETED TO
CREATE OR SUGGEST A CONTRACT OF EMPLOYMENT.

September 21, 2007

NOTICES

THESE GUIDELINES ARE PROVIDED AS GUIDANCE FOR EMPLOYEES. THEY ARE BY NO MEANS INTENDED TO BE A COMPLETE, OR HARD AND FAST SET OF RULES FOR THE WORKPLACE.

IF YOU HAVE ANY QUESTIONS OR CONCERNS ABOUT THE CONTENTS OF THIS DOCUMENT, OR ABOUT ANY OTHER WORKPLACE POLICY, YOU ARE EXPECTED TO ASK YOUR SUPERVISOR AS THOSE QUESTIONS ARISE.

THESE GUIDELINES ARE SUBJECT TO CHANGE AND REVISION. EVERY EFFORT WILL BE MADE TO KEEP YOU INFORMED THROUGH MEETINGS OR INTERNAL MEMOS AS CHANGES OCCUR.

YOU ARE EXPECTED TO READ THESE GUIDELINES AND ARE ENCOURAGED TO REFER BACK TO ANY PORTION AS CIRCUMSTANCES DICTATE DURING YOUR EMPLOYMENT.

****VIOLATION OF ANY MORGAN COUNTY POLICY IS SUBJECT TO
DISCIPLINARY ACTION, UP TO INCLUDING DISCHARGE FROM
EMPLOYMENT****

MORGAN COUNTY EMPLOYEE GUIDELINES

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I. INTRODUCTION

A. GENERAL PROVISIONS

All employees are employed “at will,” meaning that their employment may be ended by either the employee or by Morgan County at any time, for any reason, with or without cause, and with or without notice.

These Employee Guidelines are not to be construed as creating any contractual rights for any employee of Morgan County, nor should they be interpreted in any manner that would alter the “at will” nature of the employment relationship between Morgan County and its employees. If at any time Morgan County intends to create a contract of employment for any person, that contract will be in writing, and will be signed by both the employee and by the Morgan County Commission.

The purpose of these Guidelines is to:

1. Achieve fair and equitable treatment for all Morgan County employees;
2. Aid in the recruitment and retention of highly qualified employees; and
3. Establish uniform administrative guidelines that are to be followed by all Morgan County employees.

These Guidelines shall apply to all non Civil Service employees who are employed by Morgan County.

These Guidelines shall apply to Civil Service employees to the extent that a particular policy is not covered under the Civil Service Guidelines.

Morgan County reserves the right to revise the terms of these Guidelines at any time.

B. COURTHOUSE WORKING HOURS

The hours of operation for the Morgan County Courthouse are as follows:

Monday, Tuesday and Thursday	9:00 a.m. to 5:00 p.m.
Wednesday	9:00 a.m. to 1:00 p.m.
Friday	9:00 a.m. to 7:00 p.m.

Schedules will be prepared by Department Heads to meet the needs of each Department. Some individual offices may require different hours due to court scheduling. In those cases, the Department Head should set the hours of his/her office.

C. INTRODUCTORY PERIOD

The first six months of employment with Morgan County are introductory in nature. During this period, the focus of employment will be on training the employee. Each employee will be evaluated on an ongoing basis with respect to their ability to perform the duties of their new position, their ability to work with other Morgan County employees and members of the public (if applicable) and their general attitude toward and contribution to the workplace.

D. EQUAL OPPORTUNITY EMPLOYMENT

Morgan County is an Equal Opportunity Employer. It is the express policy of Morgan County to comply with the letter and spirit of the law. Morgan County makes every effort to seek, hire and retain the best qualified applicants for every position of employment, without regard to race, creed, color, national origin, sex, age or disability. This policy also applies to all other aspects of employment with Morgan County, including training, promotion, compensation, privileges and terms of employment.

E. DEFINITIONS

Full Time Employee: A full-time employee is one who works twenty (20) hours or more per week.

Part Time Employee: A part-time employee is one who works less than twenty (20) hours per week. Part-time employees are paid an hourly rate for the number of hours worked and are not eligible for County benefits, including annual leave, sick leave, holiday pay or bereavement leave.

II.

EMPLOYEE CONDUCT

A. ETHICAL CONDUCT

It is of the utmost importance that all employees and representatives of Morgan County conduct themselves in a respectable and ethical manner. The employees of Morgan County represent the Citizens of Morgan County, and must provide strong examples of high moral character and ethical workplace conduct.

The holding of a position of public employment is a public entrustment. Conduct in accordance with high moral and ethical standards will improve general standards of public service, and will promote and strengthen the faith and confidence that the Citizens of Morgan County have in their public employees.

B. CONFLICTS OF INTEREST

Independence and impartiality of public employees is essential to promote and maintain the confidence of Morgan County Citizens in the operation of a democratic government. The decisions and actions of public employees must be made from undue influence, favoritism and threat at every level of government. Public employees who take advantage of the powers of their offices or employment for personal gain, whether economic, personal or political, undermine the public's confidence in the integrity of their representatives and the democratic process and government. Such conduct will not be tolerated.

Morgan County employees shall not use their position of employment for personal gain, or to assist with the personal gain of another.

The performance of usual and customary constituent services does not constitute the use of a position in violation of this policy.

C. CONFIDENTIALITY

No present or former employee may disclose any confidential information acquired by them through their employment with Morgan County. Further, such information shall not be used to further the personal interests of a current or former employee, or the interests of any other person.

D. PROHIBITION AGAINST ACCEPTANCE OF GIFTS OR GRATUITIES

Morgan County employees are prohibited from soliciting or accepting gifts, money, goods, services or gratuities of any value, from any person served by the County, or who is otherwise in a position to benefit directly or indirectly from any action or decision by a Morgan County representative.

Guidelines for this policy are as follows: No employee may knowingly accept any gift, directly or indirectly, from any person who is;

- (1) Conducting or seeking to conduct business of any kind with the employee's department;
- (2) Engaged in activities which are regulated or controlled by the employee's department; or
- (3) Has a financial interest that may be substantially or materially affected, in a manner distinguishable from the general public, by the performance or nonperformance of the employee's official duties.

However, employees may accept:

- (1) Meals and beverages;
- (2) Ceremonial gifts or awards of insignificant monetary value;
- (3) Unsolicited gifts of nominal value or trivial items of informational value;
- (4) Reasonable expenses of food, travel and lodging for the employee to attend meetings in which the employee is participating on a panel or as a speaker;
- (5) Gifts of tickets or free admission to attend charitable and cultural events as long as the purpose of such courtesy is customarily extended to that office; and
- (6) Gifts which are purely private and personal in nature.

Notwithstanding the above, employees will benefit from a presumption that receipt of the above mentioned gifts does not impair the impartiality or independent judgment of the employee. This presumption may be refuted by evidence that the gift did in fact impair the judgment of the employee, or that the employee knew or had reason to know that the gift was offered for improper purposes.

E. POLITICAL ACTIVITY

All Citizens, Residents and Visitors of Morgan County shall be served equally by the County and its employees, regardless of political opinions or affiliations.

No political affiliation, preference or opinion will influence appointment, retention or promotion of Morgan County Employees.

Employees are forbidden from campaigning for any political candidate during working hours. This prohibition extends to the use of County vehicles, telephones and attendance at business meetings and conferences. Further, there shall be no campaign signs placed in the Courthouse or in any other County Office. Small cards, pens, buttons and other similar items will be permitted with the approval of an employee's Department Head or Elected Official.

F. OBLIGATION TO PROVIDE NOTICE OF CONVICTION

Employees are required to notify their Department Head of any charges for violation of a criminal drug law within five (5) days of being charged. Each Department Head is then required to notify the Morgan County Commission within ten (10) days following their receipt of the notice.

III. EMPLOYMENT POLICIES

A. ANTI-HARASSMENT

It is the policy of the Morgan County Commission to provide a workplace free of harassment. Harassment of any kind will not be tolerated.

Harassment is considered, but is not limited to, unwelcome or unsolicited verbal, physical, or sexual conduct which: 1) is made as a term or condition of employment; or 2) is used as a basis for employment decisions; or 3) creates an intimidating, hostile or offensive working environment.

If you feel that another employee, or even a non-employee, is harassing you or someone else while at work, **it is your duty to report this conduct** to your supervisor immediately. If you do not feel that you can speak with your supervisor about the matter, **you must report** the matter to the Morgan County Commission.

Following are a few examples of conduct that will not be tolerated:

- a. Sexual flirtations, touching, advances or propositions;
- b. The use of degrading words to describe an individual;
- c. The display of any materials which could be considered offensive to someone because of their race, ethnicity, religion, gender, sex, etc., such as photographs, posters, emails and websites.

B. SEXUAL HARASSMENT

It is the policy of Morgan County that all employees are responsible for assuring that the work place is free from sexual harassment of any form. Because of Morgan County's strong disapproval of such illegal behavior, and of offensive or inappropriate sexual language or behavior at work, all employees are required to avoid any action or conduct which could be viewed by either sex as sexual harassment, including: (a) unwelcome sexual advances; (b) express or implied request for sexual acts or favors; (c) verbal or physical conduct of a harassing or degrading nature; (d) using an employee's submission to or rejection of such sexual harassment conduct as the basis for or as a factor in any employment decision; (e) creating an intimidating, hostile or offensive work environment by such conduct.

As with all harassment, each employee **MUST REPORT** such conduct to their immediate supervisor, or to the Morgan County Commission.

C. DRUG-FREE WORKPLACE

Morgan County believes in the importance of a safe, efficient and healthy workplace for all of its employees. Furthermore, the Citizens of Morgan County are entitled to trust that County employees are performing as safely and efficiently as possible, and not engaging in behavior that places the County, its employees or the public at risk. Employees are strictly prohibited from reporting to work or being present on County property under the influence of alcohol or any illegal substance. Furthermore, employees are prohibited from reporting to work with impaired abilities due to prior use of drugs or alcohol.

This policy does not apply to legally prescribed medications. Such use is permitted to the extent that such medication does not adversely affect the employee's ability to perform his or her job, and does not jeopardize the safety of such employee, other employees or individuals.

D. TELEPHONE USE AND PROCEDURE

All communications should be as positive and efficient as possible.

Answer all calls as promptly as possible. Identify yourself and your department upon answering. Assist every caller courteously, and in every possible manner.

Communication with the public is a key component of the success of Morgan County Government. Personal calls should be kept to a minimum.

Employees are prohibited from using County phones to place long distance calls, or other calls which might result in a monetary charge or a toll fee for personal reasons.

E. NO SMOKING POLICY

Smoking is not permitted in any County buildings or offices and all employees are subject to all rules and regulations of the Morgan County Health Department Smoking Policy.

F. LUNCHES

Department Heads are responsible for scheduling lunches within their respective Departments.

G. DISCIPLINE

Violation of any Morgan County Policy or Guideline may result in disciplinary action, up to and including discharge from employment.

H. SEPARATION FROM EMPLOYMENT

All Morgan County employees, except those under express, written and signed contracts, are employed on an at will basis. Each employee may resign at any time for any reason, with or without notice. Though notice is customary and preferred, it is not required. Likewise, each employee may be discharged at any time for any reason, with or without cause, and with or without notice. Employees who separate from their employment with Morgan County will receive their final pay in accordance with the law.

I. QUALITY OF WORK

Every employee is expected to perform the highest quality of work every working day. Employee performance, whether working directly for a client or internally, impacts the quality of the services delivered to clients. In turn, the County's reputation with its Citizens, and the opportunity to serve them properly, is directly related to the quality of work done each day. If you are aware of a situation where quality services are not being provided to our clients, please consult your immediate supervisor for assistance.

If you have a dispute with a client that cannot be resolved quickly and quietly, you must immediately refer this matter to your supervisor.

J. FILLING JOB OPENINGS

Any Department Head who wishes to fill a vacant position should arrange for advertisements to inform the public of the job opening. Consideration for employment is based solely upon an applicant's qualifications for the position. Every position must be advertised for a period of a minimum of one (1) week in newspaper except for the office of Prosecuting Attorney for an assistant. All advertisements must include the statement that Morgan County is an Equal Opportunity Employer.

K. SENIORITY

Morgan County values the dedication and loyalty of its employees, and attempts to consider seniority wherever possible and practicable. To this end, when possible, seniority will be given preference in arranging vacation schedules, etc. However, with respect to filling vacant positions, first consideration will be given to merit and ability.

L. COMPENSATION

All employees, including salaried employees and hourly employees, will be paid every two weeks.

Each employee is responsible for maintaining a time and attendance sheet on which they accurately record their time worked and leave taken, except for Assistant Prosecutor.

Each Department Head is responsible for monitoring this process for their employees.

Time sheets are to be kept weekly, from Saturday at 12:01 a.m. through the following Friday at 12:00 a.m.

Time sheets must be signed by the employee and his or her Department Head in time to be submitted to the County Clerk by 4:00 p.m. on each Friday preceding a pay period.

M. PERFORMANCE REVIEWS

Performance reviews will be conducted annually by each employee's supervisor. Nevertheless, performance will be evaluated on an ongoing basis, and each supervisor has the discretion to address performance related issues as they arise.

N. ABSENTEEISM AND TARDINESS

Morgan County expects you to be at work on time every workday. Should you be unable to work because of illness, you must notify your supervisor one hour prior to your reporting time on each day of your absence. Failure to properly notify your supervisor will result in an unexcused absence.

You must report to your supervisor after being late or absent, give an explanation of the circumstances surrounding your tardiness or absence, and certify that you are able to work. It is your responsibility to confirm that your absence and circumstances have been properly recorded for payroll and record keeping purposes.

When released to return to work by a physician after an illness or injury, you must report to work immediately. If you fail to do so, you may be considered to have abandoned your job and to have resigned without notice.

O. COMPUTER, E-MAIL AND INTERNET USE

All computer users are required to use Morgan County computer and telecommunication resources and services in accordance with this policy. The term "users" as used in this policy, refers to all employees, independent contractors and other persons or entities accessing or using Morgan County computer and telecommunication resources and services. All computer users have the responsibility to use the computer resources in an efficient, effective, ethical, and lawful manner.

Morgan County has the right, but not the duty, to monitor any and all aspects of the computer system, including employee email, to ensure compliance with this policy. The computers and computer accounts given to employees are to assist them in the performance of their jobs. Employees should not have an expectation of privacy in anything that they create, send, or receive on Morgan County computers. The computer and telecommunications systems belong to Morgan County and are to be used for business purposes only.

Computer users are governed by the following provisions, which apply to all of our computer and telecommunication resources and services and include, but are not limited to the following: host computers, file servers, work stations, stand-alone computers, laptops, software, and internal or external communications networks (Internet, commercial on-line services, bulletin board systems, and e-mail systems) which are accessed directly or indirectly from Morgan County computers.

1. Users must comply with all software licenses, copyrights, and all other state and Federal laws governing intellectual property.
2. Fraudulent, harassing, embarrassing, indecent, profane, obscene, intimidating, or other unlawful material may not be sent by-mail or other forms of electronic communication or displayed on or stored in Morgan County computers. Users encountering or receiving such material should immediately report the incident to their supervisor. Morgan County will report any illegal usage to law enforcement authorities.
3. Users should take the same care drafting emails and other electronic documents as they would for any other written communication. Anything created on the computer may, and likely will, be reviewed by others.
4. Users may not install software onto their individual computers or the network without first receiving express authorization to do so from the system manager.
5. Users should not alter or copy a file belonging to another user without first obtaining permission from the owner of the file. The ability to read, alter, or copy a file belonging to another user does not imply permission to read, alter, or copy that file.
6. Without prior written permission, the computer and telecommunication resources and services of Morgan County may not be used for the transmission or storage of commercial or personal advertisement, solicitations, promotions, destructive programs (viruses and/or self-replicating code), political material, or for any other unauthorized or personal use.

7. Users are responsible for safeguarding their passwords for the system. Individual passwords should not be printed, stored on-line, or given to others. Users are responsible for all transactions made using their passwords.
8. Morgan County is not responsible for the actions of individual users.
9. Employees shall not use the internet during regular business hours for their personal use.

P. MANDATORY REPORTING OF BROKEN EQUIPMENT, HEALTH AND SAFETY RISKS

Employees shall immediately report any perceived health or safety hazard, or any dangerous working condition to his or her supervisor or to the Morgan County Commission. Further, employees shall immediately report accidents or damaged County property to his or her supervisor.

IV. BENEFITS

A. ANNUAL VACATION LEAVE

Except as otherwise noted in this Section, each full time employee shall be entitled to annual leave after competing six months of employment excluding Assistant Prosecutor. Following are the number of hours available to each full time employee for the periods of employment identified:

7 months through year 1	4 hours per month
Years 1 – 2	8 hours per month
Years 3 - 5	10 hours per month
Years 6 - 10	12 hours per month
Years 11 - 15	14 hours per month
Years 16 forward	16 hours per month

This scale will apply to all full time county employees working a 7- or 8- hour workday. No more than the number of hours earned in a given year plus an additional 80 hours, if earned, may be carried forward from one fiscal year to another. **Employees will not be compensated in any way for such lost time.**

If an employee's services are terminated for any reason other than death, he/she cannot be paid for no more than the number of hours earned in a given year plus an additional 80 hours, if earned of accumulated annual leave. Accumulated annual leave shall be granted and approved by the Department Head at such time or times as will not materially affect the efficient operations of the Department.

Use of Annual Leave must be pre-approved by the employee's supervisor. Annual Leave may only be taken as earned; it may not be accelerated or advanced.

B. SICK LEAVE

Full time employees only are entitled to the use of sick leave at the rate of 12 hours per month, beginning on the first of the next calendar month following the employee's completion of six months of employment excluding Assistant Prosecutor.

Sick leave is intended to be used only for short-term absences from work due to personal illness or injury. Any accident or injury that occurs in the workplace may be covered by Workers' Compensation and should be reported to the injured employee's supervisor immediately.

Following are several examples of acceptable use of sick leave:

- (1) Personal illness or injury to the employee;
- (2) Personal illness or injury to a member of the employee's immediate family that necessitates the employee's assistance to that family member;

- (3) Exposure to contagious disease that, as determined by a physician may pose risk to others in the workplace;
- (4) Routine medical or dental appointments; and
- (5) Maternity leave.

A Department Head may require medical documentation for sick leave occasions of more than three (3) consecutive days.

An employee may use earned annual leave in lieu of sick leave.

An employee who becomes ill and is hospitalized while using annual leave may use sick leave in lieu of annual leave for the dates of hospitalization. The employee must provide documentation of the dates of hospitalization.

C. FUNERAL LEAVE

Employees are granted up to (three) 3 days of leave for use in the conjunction of the death of an immediate family member. An employee will not be required to use his or her personal leave for these three days. Immediate family includes biological and step parents, siblings, children, grandchildren and grandparents. It also includes in-laws to the extent of parents and children (e.g. father-in-law or daughter-in-law). Finally, it includes those in a legal guardianship relationship.

D. HOLIDAYS

Following are paid holidays off for full time employees only. Holidays which fall on a Saturday will be observed on the preceding Friday, and those which fall on a Sunday will be observed on the following Monday. Holiday pay is based on the average number of hours worked by an employee, not to exceed eight.

New Year's Day

Martin Luther King Day

President's Day

Memorial Day

West Virginia Day

Independence Day

Labor Day

Columbus Day

Veterans' Day

Thanksgiving Day

Friday After Thanksgiving

Christmas Day

Election Days

Other Holidays as declared by the President of the United States or the Governor of West Virginia

E. MEDICAL INSURANCE

This information is provided to employees as hired and is subject to change.

F. WORKERS' COMPENSATION

An accident or illness that occurs in the workplace could possibly be covered by Workers' Compensation. It is critical to ensuring that employees receive proper benefits that any such incident be reported immediately. All offices shall file an accident report with the County Clerk's Office within 24 hours or the next business day.

G. MILITARY LEAVE

Military Leave will be granted in accordance with the law. However, Morgan County will provide regular pay, up to thirty days, to full time employees called to active duty, who enlist or who require leave for National Guard training. Employees who need to take leave for military purposes must present documentation of the orders to their supervisor as soon as possible.

H. JURY DUTY

Employees who are called for jury duty will be paid their regular pay for time missed from work for this purpose. Employees are required to notify their supervisor immediately upon receiving notice that they have been called to serve as a potential juror. Further, employees must provide documentation of their time spent in this capacity, and must immediately report back to work when this service has ended.

I. FAMILY MEDICAL LEAVE

Employees who require leave for medical reasons may be eligible for up to 12 weeks of leave without pay under the Family Medical Leave Act. The following are occasions where this leave would be available:

- (1) for the birth of a son or daughter, and to care for the newborn child;
- (2) for the placement of a child for adoption or foster care, and to care for the child;
- (3) to care for an immediate family member with a serious health condition; and
- (4) for an employee who is unable to work because of a serious health condition.

If you believe that you may be eligible for this leave, please contact your supervisor or the Morgan County Commission.

J. RETIREMENT

All permanent full time employees are members of the West Virginia Public Employees Retirement System (WVPERS). The County contributes ten and one half percent (10.5%) toward the pension fund, while the employee contributes four and one half percent (4.5%).

NOTE: The percentage of contribution is subject to change by the WVPERS. If you leave employment with the County, you are entitled to withdraw the employee portion of the contribution.

NOTE TO SHERIFF'S DEPUTIES: The County contributes ten and one half percent (10.5%) toward the fund, while the employee contributes eight and one half percent (8.5%).

Permanent part-time employees who work more than 20 hours per week on average must contribute to the West Virginia Public Employees Retirement System (WVPERS).

Employees' unused sick leave and annual leave can be used toward extension of service credit upon retirement.

V. ADOPTION

The purpose of the Employee Handbook is to establish a ready guideline regarding approved policy for all County employees. Every employee shall receive a copy of this handbook and shall thereafter acknowledge their receipt of same to their Department Head. Furthermore, any amendment to the employee policy which is adopted and approved shall be provided with the employee's payroll check. It is important that employees understand that the Employee Handbook is not intended to create any contractual rights in favor of the employee or Morgan County. Nor does the Employee Handbook serve to alter the "at-will" nature of the employment relationship between the County and its employees. It is important that all concerned familiarize themselves with the contents of the handbook and keep it for future reference.

Adopted by the Morgan County Wage and Review Board this 21st day of September, 2007.

The Elected Officials through their part in the creation and adoption of this manual recognizes the necessity for uniform procedures and do hereby agree to use this manual in the administration of personnel matters in their respective departments.

APPROVED BY:

Glen R. Stotler, President
Morgan County Commissioner

Kimberly J. Jackson
Circuit Clerk

Thomas R. Swaim
Morgan County Commissioner

Ronald G. McIntire
Sheriff

Brenda J. Hutchinson
Morgan County Commissioner

John A. Swaim
Assessor

Debra A. Kesecker
County Clerk

Debra MH McLaughlin
Prosecuting Attorney

Cathy Payne
Employee Representative

Timmy Stapleton
Civil Service Employee Representative

VI. APPENDIX

ACKNOWLEDGEMENT OF REVIEW AND RECEIPT OF THE MORGAN COUNTY EMPLOYEE GUIDELINES

I REVIEWED THE HANDBOOK WITH THIS EMPLOYEE, AND PROVIDED THE EMPLOYEE THE OPPORTUNITY TO ASK QUESTIONS AND SEEK CLARIFICATION ON:

DATE

Supervisor

I have read and familiarized myself with the contents of the Morgan County Employee Guidelines, understand their contents and how they relate to my employment with Morgan County. I have had the opportunity to ask questions, and know that it is my responsibility to seek out clarification from my supervisor if there is something I do not fully understand. I acknowledge that it is my responsibility to comply with all workplace policies and guidelines. I have received a copy of the Guidelines.

EMPLOYEE SIGNATURE

DATE

ACKNOWLEDGEMENT OF AT WILL EMPLOYMENT

I understand that my employment with Morgan County is at will in nature. I further understand that because I am employed at will, my employment with Morgan County may be terminated by me or by Morgan County, at any time, for any reason or for no reason, with or without notice, and with or without cause.

I also understand that the Employee Guidelines do not create a contract for employment, but that their purpose is to provide me with the basic, general policies and expectations of employment with Morgan County. I understand that it is not meant to be a comprehensive list of all workplace rules and policies, and that it is subject to change.

Name (Print)

Employee Signature

Morgan County Representative (Print)

Morgan County Representative Signature